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38516	7590	03/18/2005	EXAMINER	
SCOTT P. ZIMMERMAN, PLLC PO BOX 3822 CARY, NC 27519			ABRISHAMKAR, KAVEH	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/995,648

Applicant(s)

KIRKPATRICK ET AL

Examiner

Kaveh Abrishamkar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. This action is in response to the communication received on November 29, 2001. Claims 1 – 35 were originally received for consideration. No preliminary amendments for the claims were received. Claims 1 – 35 are currently being considered.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1, 7-19, 22-24 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-41 of copending Application No. 09/916,330. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications are directed to using a server coupled to a storage mechanism to use validation functions to perform validation services. The present application being examined, states a "web server" instead of an "application server," but "application server" of the copending

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application 09/916,330, is accessible by a plurality of client application servers, and can be interpreted as being a "web server" as well without altering the invention of using stored validation functions to perform a validation service present in both applications.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Specification***

3. The use of the trademark "**Oracle**" has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 8, 10, 14, 16, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

Claims 8,10,14,16, and 18 contain the trademark/trade name "Oracle." Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex Parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe database system and, accordingly, the identification/description is indefinite.

5. Claim 22 recites the limitation "customer data device in the third limitation of claim 22. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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6. Claim 1-2, 4, 7-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Croy (U.S. Patent Application Publication No. US 2001/0037361A1).

Regarding claim 1, Croy discloses:

A client-server computer system for use with web-based applications comprising:

***"a computer system running one or more web browsers capable of processing web forms"*** (page 3: paragraphs 35-37);

***"a web server capable of processing Java code and web-based forms"***  
(page 2: paragraph 31, pages 3-4: paragraphs 40-44);

***"a storage mechanism coupled to said computer system, wherein said web server is used for validating data with information compiled from said storage mechanism"*** (pages 3-4: paragraphs 40-44); and

***"validation rules stored in said storage mechanism"*** (pages 3-4: paragraphs 40-44).

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Croy discloses:

A client-server computer system according to claim 1, wherein ***"said web server further comprises an application for compiling at least one Java page using validation rules from said storage schema"*** (page 3: paragraphs 40-41).

Claim 4 is rejected as applied above in rejecting claim 2. Furthermore, Croy discloses:

A client-server computer system according to claim 2, wherein “**Java servlet methods are compiled into byte code files when the web server is started**” (page 5 paragraphs 47, 53), wherein Java-based servlets are used and executed.

Claim 7 is rejected as applied above in rejecting claim 2. Furthermore, Croy discloses:

A client-server computer system according to claim 2, wherein said “**validation rules comprise at least three main views of hierarchical organized functions**” (pages 3-4: paragraphs 40, 44).

Claim 8 is rejected as applied above in rejecting claim 7. Furthermore, Croy discloses:

A client-server computer system according to claim 7, comprising “**a storage schema in the format of an Oracle database**” (page 4: paragraph 44).

Claim 9 is rejected as applied above in rejecting claim 7. Furthermore, Croy discloses:

A client-server computer system according to claim 7, wherein “**said validation rules are represented in the form of Lightweight Directory Access Protocol**” (page 4: paragraph 44).

Claim 10 is rejected as applied above in rejecting claim 3. Furthermore, Croy discloses:

A client-server computer system according to claim 3, further comprising “**an Oracle database and a table-based system of rules organized into three hierarchically organized views**” (page 4: column 44, 48).

Claim 11 is rejected as applied above in rejecting claim 3. Furthermore, Croy discloses:

A client-server computer system according to claim 3, wherein "**said storage schema is represented by Lightweight Directory Access Protocol and includes three hierarchically organized views**" (page 4: paragraphs 44, 48).

Regarding claim 12, Croy discloses:

A web server system comprising:

"**at least one web application**" (page 3: paragraphs 35-37) ;

"**means for performing validation service on data submitted by said at least one web application**" (pages 3-4: paragraphs 40-44);

"**means for processing web forms**" (page 3: paragraphs 35-37);

"**means for storing and retrieving a plurality of validation rules for performing said validation service**" (pages 3-4: paragraphs 40-44); and

"**means for compiling validation rules into said at least one web application in order to perform said validation service**" (pages 3-4: paragraphs 40-44).

Claim 13 is rejected as applied above in rejecting claim 12. Furthermore, Croy discloses:

A web server system according to claim 12, comprising "**means for updating validation rules compiled in said at least one web application**" (pages 3-4: paragraphs 40-44).



Claim 14 is rejected as applied above in rejecting claim 12. Furthermore, Croy discloses:

A web server system according to claim 12, wherein "**said means for storing and retrieving validation rules comprises an Oracle database**" (page 4: paragraph 44).

Claim 15 is rejected as applied above in rejecting claim 12. Furthermore, Croy discloses:

A web server system according to claim 12, wherein "**said validation rules are stored in a schema in the form of Lightweight Directory Access Protocol**" (page 4: paragraph 44).

Claim 16 is rejected as applied above in rejecting claim 14. Furthermore, Croy discloses:

A web server system according to claim 14, wherein "**said Oracle database contains a table-based system of rules organized into at least three hierarchically organized views**" (pages 3-4, paragraphs 40, 44, 48).

Claim 17 is rejected as applied above in rejecting claim 13. Furthermore, Croy discloses:

A web server system according to claim 13, further comprising ***“a schema in the form of Lightweight Directory Access Protocol and a table-based system of validation rules organized into at least three hierarchically-organized views”*** (page 4: paragraphs 44, 48).

Claim 18 is rejected as applied above in rejecting claim 14. Furthermore, Croy discloses:

A web server system according to claim 14, wherein ***“said Oracle database stores validation functions stored as hierarchically organized views that are dynamically updateable by an external administrator”*** (page 2: paragraph 32, page 4: paragraph 48).

Claim 19 is rejected as applied above in rejecting claim 15. Furthermore, Croy discloses:

A web server system according to claim 15, wherein ***“said storage schema represented by Lightweight Directory Access Protocol represents validation functions stored as hierarchically-organized views that are dynamically updateable by an external administrator”*** (page 2: paragraph 32, page 4: paragraphs 44, 48).

Claim 20 is rejected as applied above in rejecting claim 12. Furthermore, Croy discloses:

A web server system according to claim 12, comprising "**means for compiling Java servlet methods**" (page 3: paragraph 39, page 5: paragraph 53).

Claim 21 is rejected as applied above in rejecting claim 20. Furthermore, Croy discloses:

A web server system according to claim 20, comprising "**means to initiate a recompile of a web server in order to load validation rules**" (page 2: paragraph 32, page 4: paragraph 48).

Regarding claim 22, Croy discloses:

A computer-readable medium with instructions executable by a processor for providing a validation application service for web-based applications, the medium comprising instructions to:

"**couple a service request from a data device to a web server, the request including data to be validated**" (page 4: paragraphs 40-44);

"**generate a service session instruction, the service session instruction based at least in part on the service request**" (pages 3-4: paragraphs 40-44);

"**send the service session instruction to one or more web servers, the service session instruction corresponding to one or more data validation requests from said customer data device**" (pages 3-4: paragraphs 40-44);

"**compile at least one Java Server Page based on stored validation rules in a database**" (page 3: paragraphs 40-41, page 4: paragraph 46); and

**“send a validation service response to the data device, wherein the validation service response is based on the service request”** (pages 3-4: paragraphs 40-44).

Regarding claim 23. Croy discloses:

A method of providing validation data service with a web-based computer system comprising the steps of:

**“calling at least one Java server page from a web application”** (page 3: paragraphs 40-41, page 4: paragraph 46);

**“compiling said at least one Java server page at a web server”** (page 3: paragraphs 40-41, page 4: paragraph 46);

**“retrieving a plurality of validation rules from a centralized storage mass coupled to said web server”** (pages 3-4: paragraphs 40-44);

**“validating data from said web application in accordance with said validation rules”** (pages 3-4: paragraphs 40-44).

Claim 24 is rejected as applied above in rejecting claim 23. Furthermore, Croy discloses:

A method according to claim 23, further comprising the step of **“updating said validation rules by recompiling at least one Java server page”** (page 2-3: paragraph 32).

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Claim 26 is rejected as applied above in rejecting claim 23. Furthermore, Croy discloses:

A method according to claim 23, further comprising the step of “**loading at least portion of said validation rules into objects**” (pages 3-4: paragraphs 40-44).

Claim 27 is rejected as applied above in rejecting claim 26. Furthermore, Croy discloses:

A method according to claim 26, further comprising the step of said “**Java server page directing JavaScript functions in accordance with said validation rules**” (pages 2-3: paragraph 32, page 5: paragraph 53).

Claim 28 is rejected as applied above in rejecting claim 26. Furthermore, Croy discloses:

A method according to claim 26, further comprising the step of “**periodically recompiling at least one Java sever page**” (page 5: paragraph 53).

Claim 29 is rejected as applied above in rejecting claim 23. Furthermore, Croy discloses:

A method according to claim 23, further comprising the steps of “**deleting class files and recompiling at least one Java server page**” (page 5: paragraph 53).

Claim 30 is rejected as applied above in rejecting claim 29. Furthermore, Croy discloses:

A method according to claim 29, further comprising the step of "**loading updated validation rules**" (page 5: paragraph 53).

7. Claims 31-35 are method claims analogous to the claims rejected above, and therefore, are rejected following the same reasoning.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Croy (U.S. Patent Application Publication No. US 2001/0037361A1).

Claim 3 is rejected as applied above in rejecting claim 1. Furthermore, Croy discloses:

A client-server computer system according to claim 1, wherein the "**web server calls a plurality of Java servlet methods**" (page 4: paragraph 47, page 5: paragraph 53). Croy does not explicitly disclose using the "getValidationSet", or the "doValidation" servlet methods. However, Croy discloses that "Java-based servlets can be used to track and collect data regarding what transactions were executed, permitting checking

of transactions and establishment of alarms” (page 5: paragraph 530. In the embodiment described, the Java servlets are used for validation functions, and since the “getValidationSet” and the “doValidation” are well-known functions in Java, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the above functions to perform the validation.

Claim 5 is rejected as applied above in rejecting claim 4. Furthermore, Croy discloses:

A client-server computer system according to claim 1, wherein the “**web server calls a plurality of Java servlet methods**” (page 4: paragraph 47, page 5: paragraph 53). Croy does not explicitly disclose using the “getValidationSet” method. However, Croy discloses that “Java-based servlets can be used to track and collect data regarding what transactions were executed, permitting checking of transactions and establishment of alarms” (page 5: paragraph 530. In the embodiment described, the Java servlets are used for validation functions, and since the “getValidationSet” is a well-known function in Java, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the above functions to perform the validation.

Claim 6 is rejected as applied above in rejecting claim 5. Furthermore, Croy discloses:

A client-server computer system according to claim 1, wherein the “**web server calls a plurality of Java servlet methods**” (page 4: paragraph 47, page 5: paragraph 53). Croy does not explicitly disclose using the “doValidation” method. However, Croy discloses that “Java-based servlets can be used to track and collect data regarding

what transactions were executed, permitting checking of transactions and establishment of alarms" (page 5: paragraph 530. In the embodiment described, the Java servlets are used for validation functions, and since the "doValidation" is a well-known function in Java, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the above functions to perform the validation.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 571-272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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